

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PROGRESSIVE NORTHERN)	
INSURANCE COMPANY,)	Civil Action
)	No. 02-CV-04026
Plaintiff)	
)	
vs.)	
)	
JUSTINE COLEMAN,)	
JOSEPH H. COLEMAN, JR., and)	
IVETTE PIZZARO,)	
)	
Defendants)	
)	

O R D E R

NOW, this 18th day of August, 2003, upon consideration of the oral motion of plaintiff for a determination of shifting burdens, after argument held this date; and for the reasons articulated simultaneously on the record,

IT IS ORDERED that plaintiff's motion is granted.

IT IS FURTHER ORDERED that plaintiff shall have the burden of production in this declaratory judgment action to establish that an insurance policy was in effect concerning the incident in question. Thereafter, the burden of proof shifts to defendants to establish that the incident was an accident. As defined by the insurance policy an accident is "a sudden, unexpected, and unintended occurrence". Then the burden of proof shifts back to plaintiff to establish it was an intentional act.

BY THE COURT:

James Knoll Gardner
United States District Judge